

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASSENTED TO MOTION TO EXTEND PROPOSED PRETRIAL SCHEDULE

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure Local Rule 16.1, and the Court’s Notice of Scheduling Conference and Order for Joint Statement and Certifications, counsel for plaintiff Stuart Tarmy (“Plaintiff”), certifies that he has conferred with counsel for the defendant Charles River Systems, Inc. d/b/a Charles River Development, Inc. (“CRD”), concerning, among other things: the nature and basis of their claims and defenses, the possibility of a settlement of the case, preparing an agenda for matters to be discussed at the scheduling conference, and preparing a proposed pretrial schedule for the case including a plan for discovery. CRD assents to this motion.

I. PROPOSED PRETRIAL SCHEDULE

The parties anticipate that discovery may be conducted along the following schedule:

<u>Deadline</u>	<u>Event</u>
July 1, 2005	Complete automatic discovery consistent with Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(A)
September 1, 2005	File amendments to pleadings (including amendments to add parties), third-party actions,

cross-claims and counterclaims. Together with the Complaint and Summons, counsel granted leave to add a party or third party shall serve on such party a copy of this Scheduling Order.

October 31, 2005	Completion of all discovery, other than requests for admissions and expert disclosures, except for such discovery not reasonably anticipated by the parties.
November 30, 2005	Service of requests for admissions
December 31, 2005	Service of all responses to requests for admissions; Service of all expert disclosures, if any, pursuant to Fed. R. Civ. P. 26(a)(2).
January 31, 2006	Service of any responses and objections to expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2)
To be determined	A pretrial conference, if necessary following decision on dispositive motions, with all dates following such pretrial conference, including expert disclosure and discovery, to be scheduled at the Court's discretion

B. Position on Phased Discovery. The parties do not believe it is necessary for discovery to proceed in "phases," except as set forth in its proposed discovery schedule above.

C. Motion Schedule. The parties propose that any dispositive motions, together with all supporting documents shall be served no later than February 28, 2006. All oppositions with supporting documents shall be served no later than March 21, 2006. All replies to oppositions with supporting documents shall be served no later than April 4, 2006.

III. TRIAL BY MAGISTRATE JUDGE

Neither party consents to referral of this matter for trial by a magistrate judge.

IV. CERTIFICATIONS UNDER LOCAL RULE 16.1(D)(3)

CRD and Stuart Tarmy have previously produced the certifications required by Local Rule 16.1(D)(3).

Respectfully submitted,

Stuart Tarmy,
By his attorney,

/s/ Ara J. Balikian
Ara J. Balikian (BBO#630576)
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535 Boylston Street, 6th Floor
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(617) 538-1801

Assented to:

Charles River Systems, Inc. d/b/a
Charles River Development, Inc.
By its attorneys,

/s/ Jessica A. Foster
Laura E. Schneider (BBO#562030)
Jessica A. Foster (BBO# 636841)
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60 State Street
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Dated: August 5, 2005

CERTIFICATE OF SERVICE

I, Ara J. Balikian, hereby certify that on August 5, 2005, I caused a copy of the foregoing document to be served, by electronic notification, upon counsel for the plaintiff.

/s/ Ara J. Balikian
Ara J. Balikian